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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,898

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Philip Steven Newton

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

PAPER NUMBER

2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,898	Applicant(s) NEWTON ET AL.	
	Examiner BENNETT INGOLDSTAD	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/01/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities:

Claim 15: "the computer program" lacks antecedent basis.
2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 provides for the use of a Personal Digital Recorder, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 16 provides for the use of recorded interactive television content, but, since the claim does not set forth any steps involved in the method/process, it is

unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 9, 10, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Leporini (EP 1182874 A1).

Claim 1: Leporini discloses a method of recording [para 0103] and/or playback [para 0001, 0002] of recorded interactive television [para 0021], comprising tagging of recorded interactive television content with identification information for access control to the recorded interactive television content (associating content management information [para 0014] and conditional access information [para 0016] with stored contents [para 0034]).

Claim 2: Leporini further discloses the method according to claim 1, wherein said interactive television content is audio/visual content associated to an interactive television application (e.g., a game [para 0133, 0134]).

Claim 3: Leporini further discloses the method according to claim 2, comprising causing recording [para 0103] of said interactive television content [para 0021] by said interactive television application [para 0133, 0134].

Claim 9: Leporini further discloses the method according to claim 1, wherein said interactive television content is recorded as files [para 0032].

Claim 10: Leporini further discloses the method according to claim 9, comprising storing said interactive television content, said interactive television application and said identification information in separate files [para 0032].

Claim 13: Leporini further discloses the method according to claim 1, said interactive television content being at least one audio/visual (e.g., a game [para 0345]) stream [para 0149].

Claim 14: Leporini further discloses a computer-readable medium having embodied thereon a computer program for processing by a computer, the computer program, when used, being for performing the method according to claim 1 [para 0132], comprising

a code segment for tagging of recorded interactive television content with identification information for access control to the recorded interactive television content (associating content management information [para 0014] and conditional access information [para 0016] with stored contents [para 0034]).

Claim 15: Leporini further discloses use of a Personal Digital Recorder (hard disk video recorder [para 0194]) with the computer program according to claim 1 [para 0198].

Claim 16: Leporini further discloses use of recorded interactive television content tagged with identification information for access control to the recorded interactive television content (use of contents associated [para 0030-0034] with content management information [para 0014] and conditional access information [para 0016]).

Claim 17: Leporini further discloses an apparatus for recording and/or playback of recorded interactive television, comprising:

- a memory for storing interactive television content [para 0103].
- a central processing unit, conceived to tag recorded interactive television content with identification information for access control to the recorded interactive television content [para 0065].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Rakib (US 2004/0181811 A1).

Claim 4: Leporini does not further disclose the method according to claim 3, said identification information being information identifying said application that caused the recording.

Rakib discloses a method for transmitting interactive data using a management and control identification information that identifies an application to which data is directed by identifying a TCP/IP port number associated with the application [para 0167].

It would have been obvious to have used TCP/IP port numbers in the method of Leporini for the purpose of establishing connections between applications requesting data and the data server in order to direct content on demand [Leporini para 0345] to the proper applications [Leporini para 0133] using TCP/IP packets.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Levy (US 6505160 B1).

Claim 5: Leporini does not further disclose the method according to claim 3, said identification information being information identifying broadcaster who broadcast said application and said recorded interactive television content for recording.

Levy discloses a method of linking identification information to broadcast content by including a broadcast identifier in the identification information [col. 3, l. 23-48].

It would have been obvious to have used a broadcast identifier in the identification information as disclosed by Levy for the purpose of linking the identification information to the broadcasted application and television content [Leporini para 0065].

12. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Yap (WO 01/82588 A2).

Claim 6: Leporini does not further disclose the method according to claim 2, comprising indicating to a play-back application for playing back interactive television content which other interactive television content stored on a storage medium is related to said play-back application by means of said identification information.

Yap discloses that content may be associated with tags specifying related programs [para 0058].

It would have been obvious to have modified the identification information disclosed by Leporini to include related program information as disclosed by Yap, for the purpose of indicating related program data such as different sections of a content [Leporini para 0015].

Claim 7: Leporini in view of Yap further discloses the method according to claim 6, comprising said play-back application allowing a user to navigate

between a plurality of said stored related interactive television content (either in conjunction with the program guide [Yap para 0059] [Leporini para 0134] or through sequential playback of related sections of a single content [Leporini para 0175]).

13. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Nozue (US 5890189).

Claim 8: Leporini does not further disclose the method according to claim 1 comprising controlling access to said recorded interactive television content in such a manner that recorded interactive television content may only be deleted or modified by an application that recorded said interactive television content.

Nozue discloses a memory management method that ensures that only programs containing rights to a selected section of memory may access that section of memory [Abstract].

It would have been obvious to have used the memory management method with the method of Leporini to restrict memory access only to programs that have allocated the memory (i.e., the program that recorded the content [Leporini para 0133, 0134, 0198]) for the purpose of protecting memory from unauthorized access or modification [Nozue Abstract].

Claim 11: Leporini further discloses the method according to claim 10, wherein said identification information is stored in an info file (management file [para 0198]) being linked to at least one interactive television application (contents [para 0198] are linked to applications, e.g. game content [para 0345] to game applications [para 0134]) on said storage medium [para 0198].

Leporini does not specifically disclose that the information is stored in a table with related interactive television content to said interactive television application.

Nozue discloses a table relating content to an application that has access to the content (an access control list attached to the address table [Abstract]).

It would have been obvious to have used the memory management method of Nozue with the method of Leporini for the purpose of protecting memory from unauthorized access or modification [Nozue Abstract].

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leporini (EP 1182874 A1) in view of Applicant's admitted prior art.

Claim 12: Leporini does not further disclose the method according to claim 1, wherein said interactive television is MHP.

Applicant discloses that MHP was a well-known standard for interactive television [Applicant spec. pg. 1, l. 1-11].

It would have been obvious to have modified the interactive television method of Leporini to conform to the MHP standard for the purpose of using a popular

interactive television standard [Applicant spec. pg. 1, l. 1-11], thus ensuring compatibility with other devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENNETT INGOLDSTAD whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623